

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

SHANNON H. SELEEN,
Plaintiff,

vs.

DEPARTMENT OF EDUCATION,
Defendant.

CIVIL CASE NO. 09-00010

ORDER TO SHOW CAUSE

The Complaint herein was filed on May 15, 2009. *See* Docket No. 1. On August 10, 2009, the Defendant filed a Motion to Dismiss for Insufficiency of Process and Service of Process was filed. *See* Docket No. 6. Pursuant to the Local Rules of Practice for the District Court of Guam,¹ the Plaintiff was required to file a response to the motion by August 24, 2009. To date, however, no response has been filed.

On September 1, 2009, the court continued the scheduling conference from September 9, 2009, to September 17, 2009, and ordered the parties to meet in a good faith attempt to formulate a written scheduling order and discovery plan, which was to be submitted no later than September 9, 2009. Pursuant to Local Rule LR 16.2(b), the plaintiff's counsel is responsible for preparing said document. To date, no draft scheduling order or discovery plan has been submitted as ordered.

¹ The Defendant did not request oral argument on the motion to dismiss. Pursuant to Rule LR 7.1(d)(2)(A), if a motion is not set for oral argument, the opposing party shall have 14 days from the date of the filing of the motion to serve and file an opposition.

Accordingly, the court issues this Order to Show Cause why this case should not be dismissed for failure to prosecute. The Plaintiff shall file a response to this Order to Show Cause no later than October 16, 2009, and shall explain her failure to file a timely response to the motion to dismiss and submit a proposed scheduling order and discovery plan by September 9, 2009, as directed. Failure to file said response may also subject counsel to possible sanctions and/or the initiation of disciplinary proceedings.² Counsel's response shall also contain an affirmation that the Plaintiff was personally served with a copy of this Order to Show Cause and a copy of his response.

Furthermore, the scheduling conference currently set for September 17, 2009, is hereby vacated, subject to re-scheduling after receipt of the Plaintiff's response to this Order to Show Cause.

IT IS SO ORDERED.



/s/ **Joaquin V.E. Manibusan, Jr.**
U.S. Magistrate Judge
Dated: Sep 15, 2009

² The court has been made aware that counsel for the Plaintiff has moved off-island. Counsel has not withdrawn from representation of the Plaintiff in this case and remains counsel of record until such withdrawal or a substitution of counsel is approved by the court.

No forwarding address was provided to the court. Counsel has signed a consent form agreeing to receive electronic service of all documents in civil and criminal cases in which he is counsel of record. Accordingly, electronic service of this Order to Show Cause to counsel's listed email address shall serve as sufficient notice and service upon the Plaintiff and her counsel.